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Oceans and the law of the sea

Report on the work of the United Nations Open-ended Informal Consultative Process established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs at its third meeting

Letter dated 20 May 2002 from the Co-Chairpersons of the Consultative Process addressed to the President of the General Assembly

Pursuant to General Assembly resolution 54/33 of 24 November 1999, you appointed us for the third time as the Co-Chairpersons of the Open-ended Informal Consultative Process on ocean affairs established to facilitate the review by the General Assembly, in an effective and constructive manner, of developments in ocean affairs by considering the report of the Secretary-General on oceans and the law of the sea and by suggesting particular issues to be considered by the General Assembly, with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced.

We now have the honour to submit to you the attached report on the work of the Consultative Process at its third meeting, which was held at United Nations Headquarters from 8 to 15 April 2002.

In this connection it is recalled that, in view of the forthcoming World Summit on Sustainable Development and in order to prepare for the General Assembly debate to celebrate the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea, the General Assembly, in its resolution 56/12 of 28 November 2001, recommended that in its deliberations on the report of the Secretary-General on oceans and the law of the sea the third meeting of the Consultative Process should organize its discussions on: (a) protection and preservation of the marine environment; and (b) capacity-building, regional cooperation and coordination, and integrated ocean management, as important cross-

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cutting issues to address ocean affairs, such as marine science and transfer of technology, sustainable fisheries, the degradation of the marine environment and the safety of navigation.

The Consultative Process has suggested a number of issues for consideration by the General Assembly and, in accordance with paragraph 3 (h) of resolution 54/33 and bearing in mind General Assembly resolutions 56/12 and 56/13 of 28 November 2001, has proposed a number of elements for the consideration of the General Assembly in relation to its resolutions under the agenda item entitled "Oceans and the law of the sea". Those elements are, of course, not intended as an exhaustive list of material relevant to the General Assembly's consideration of the item "Oceans and the law of the sea".

We wish to point out that this year also marks the end of the initial three-year period of the Consultative Process. Later this year, the General Assembly will need to decide on the future handling of work on oceans and the law of the sea in the light of its review of the effectiveness and utility of the Consultative Process.

(*Signed*) Tuiloma Neroni **Slade** and Alan **Simcock**
Co-Chairpersons

Report on the work of the United Nations Open-ended Informal Consultative Process established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs at its third meeting, held at United Nations Headquarters from 8 to 15 April 2002

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Part A
Issues to be suggested, and elements to be proposed, to the General Assembly

Cross-cutting issues

Issue A
The high value and crucial role of the world's oceans and seas, especially as a vital input to sustainable development

1. The input of the Consultative Process this year is to the resolution to mark the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS). The Convention is approaching universal participation. Its implementation, however, remains crucial to the sustainable development and use of the oceans and seas and thus to the whole world.

2. The importance of the world's oceans and seas as a vital component of the web of life, as a supplier of goods, services and energy, and as a foundation of security, including food security, at the national, regional and global levels for present and future generations cannot be overestimated. But despite significant progress in some fields, the resources and environmental condition of those oceans and seas continue to decline in many areas. Furthermore, the accumulated impacts of the many various uses can threaten unpredicted change as a result of the complex interactions of natural processes in the ecosystems.

3. It is therefore proposed that the General Assembly should emphasize the high value and crucial role of the world's oceans and seas as a vital input to sustainable development in all parts of the world, should stress the need for all States to be able to play their part in ensuring that the world makes sustainable use of the oceans and seas, and should call upon the whole international community to work towards this goal, including through an enhanced effort in implementing existing international agreements and arrangements.

Issue B
The need for integration in the management of oceans and seas

4. An integrated, interdisciplinary, intersectoral and ecosystem-based approach to oceans management, consistent with the legal framework provided by UNCLOS and the goals of chapter 17 of Agenda 21, is not just desirable, it is essential. Economic development, social development and environmental protection are mutually supportive components of the sustainable development of the oceans and seas.

5. It is proposed that the General Assembly should reiterate the need for oceans management at all levels to incorporate the principles adopted by the United Nations Conference on Environment and Development (Rio Declaration on Environment and Development), to be based on the best available scientific and traditional knowledge, accompanied by efforts to make it available to all decision makers, to involve all relevant stakeholders, to provide the necessary means for resolving conflicting pressures and objectives, to be underpinned by high-level political commitment and to be part of an overall system of good and effective governance.

6. These approaches need detailed, consistent development across all the many relevant sectors. Many of the details relevant to the protection and preservation of the marine environment are taken up under the subsequent issues in the present report. Regular reviews by the General Assembly, as the global institution having the competence to undertake such reviews, will continue to be needed for all aspects of collaboration and coordination in integrated oceans management at all levels. These may be supported by reviews by all competent organizations of their contributions to such collaboration and coordination.

Issue C
The need to build capacities around the world for integrated management of oceans and seas

7. Since the world's oceans and seas are ultimately a single complex system, successful integrated management requires every State to play its part. In the interest of everyone, therefore, all States need to ensure that policy makers have a sound understanding of the oceans and of the importance of the marine environment, and to achieve adequate capacity to acquire and use the necessary information and to manage effectively the State's interests in the oceans and seas. Building the capacities of States needs to be paralleled by steps to promote public awareness and participation, including through promoting ocean-

related studies within their education systems, creating networks of practitioners and other stakeholders and eliminating obstacles to good governance at all levels. Because of the scale of the tasks, international cooperation is essential, involving all actors, including States, agencies of the United Nations system, non-governmental organizations and the private sector, not least at the regional level and through networks of regional organizations. This cooperation must include mobilizing assistance, including through twinning arrangements, to developing countries for capacity-building, especially for the least developed countries and for small island developing States, whose duties in managing the oceans are often disproportionately large in comparison to their populations.

8. It is proposed that the General Assembly should:

(a) Reiterate the call in paragraph 23 of General Assembly resolution 55/7 of 30 October 2000 for reviews by the relevant international organizations and financial institutions and the donor community of the efforts to build capacity in order to identify the gaps that may need to be filled for ensuring consistent approaches, both nationally and internationally, in order to implement UNCLOS;

(b) Stress the need to intensify efforts in capacity-building for integrated oceans management and the requirement for adequate support for this purpose as foreseen in UNCLOS and Agenda 21 to developing countries, especially for the least developed countries and for small island developing States, to enable them to harness science and technology for the sustainable management and use of their marine resources and to minimize the negative impacts of the growing pressures on oceans;

(c) In particular in relation to the fisheries sector, urge the strengthening of partnerships among international financial institutions, bilateral agencies and other relevant stakeholders, with the aim of offering developing countries the best knowledge, experience and financial resources for sustainable fisheries;

(d) Emphasize the need for States to integrate the protection of marine and coastal areas into their policies for key sectors, mobilizing resources for this purpose from domestic and international sources.

Issue D
The central role of regional cooperation and coordination

9. The sheer scale of oceans space, the economies that can result from sharing and pooling resources and the need for coherent approaches between States whose activities affect the same part of the oceans and seas, all underline the central role of regional cooperation and coordination.

10. It is proposed that the General Assembly should:

(a) Emphasize the importance of regional organizations and arrangements for cooperation and coordination in integrated oceans management;

(b) Where there are separate regional structures for different aspects of oceans management, such as environmental protection, fisheries management, navigation and scientific research, call for those different structures, where appropriate, to work together for optimal cooperation and coordination; such collaboration could involve regional conferences, joint meetings, exchange of observers and shared staff.

The protection and preservation of the marine environment

Integration of ocean management, including action to preserve and protect the marine environment

Issue E
Data and information for decision-making on ocean management

11. Consistent, high-quality information is a prerequisite for effective, science-based decision-making at all levels, subject to the principle of the precautionary approach.

12. It is proposed that the General Assembly should emphasize the need to improve systems for collecting and reporting data and information relevant to the marine environment. To this end, it is proposed that the General Assembly should, at the global level, invite all relevant United Nations agencies:

(a) Individually to review their arrangements for collecting information and data relevant to the marine environment and for assuring the quality of that

data, using to the fullest possible extent what is available at the regional level;

(b) Collectively to consider how to ensure that the resulting information and data sets provide, within the constraints of existing resources, an acceptably consistent, coherent and comprehensive basis for international decision-making.

13. It is proposed that the General Assembly should also invite all regional organizations concerned with the marine environment, navigational safety, fisheries management and marine science to consider how they could, within their available resources, enable themselves and their member States both to collect the information necessary for decision-making on the marine environment within their regions, and to organize management systems to share the available information and data with those who need it, particularly through the use of the Internet. The relevant United Nations agencies should further be invited to consider how they could help to meet the special needs of developing countries and countries whose economies are in transition.

14. It is proposed that the General Assembly should also invite States with capabilities for satellite surveillance to assist those States which are suffering vandalism to their monitoring equipment located in the maritime area to identify those committing such vandalism.

Issue F
Assessments of the marine environment at global and regional levels

15. In order to enable the international community to address the problems of the marine environment in a comprehensive, coherent and consistent manner, there is a need for a global marine assessment mechanism based on existing programmes to provide on a regular, timely and scientific basis the necessary assessments of the state and trends of all aspects of marine ecosystems, taking into account all relevant socio-economic factors. Such a mechanism should ensure the full participation of, and be used on a voluntary basis by, member States and international organizations as well as by policy makers and all stakeholders. In particular, the assessment should address those marine areas and/or human activities which currently are not sufficiently covered by assessment activities as well as less understood ecosystems, communities and species. The assessment should involve a two-tiered mechanism, consisting of a scientific/technical assessment and a policy-oriented report based on the same information.

16. It is proposed that the General Assembly should welcome the work of the United Nations Environment Programme (UNEP) in exploring the feasibility of a global marine assessment process. It is further proposed that the General Assembly should urge UNEP and the Intergovernmental Oceanographic Commission (IOC) of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other bodies, as appropriate, to consider further how to organize effectively such assessments of the marine environment, urge completion of that work on the proposed timetable while stressing the importance of making the fullest possible use of information collected, and assessments made, under existing arrangements, especially by regional organizations concerned with the marine environment, navigational safety, fisheries management and marine science.

17. As with the collection and sharing of information, it is proposed that the General Assembly should invite the regional organizations concerned with the marine environment, navigational safety, fisheries management and marine science in each region to consider how to achieve coordination between the marine environment monitoring programmes of their member States and appropriate management of the resulting data and information and to prepare assessments of the marine environment within their regions covering all its aspects.

18. It is proposed that the General Assembly should further invite the relevant United Nations agencies:

(a) To collectively prepare guidance and to provide assistance on how to make environmental assessments by different regions consistent with each other, thus contributing to global assessments (for example by revising the existing guidance on Quality Status Reports from the Group of Experts on the Scientific Aspects of Marine Protection (GESAMP);

(b) To consider how they could help in making such assessments to meet the special needs of developing countries and countries whose economies are in transition.

Issue G
Moving from diagnosis to action on the marine environment

19. Existing assessments show that seamounts (isolated elevations which do not rise above the sea surface), together with certain other underwater features, have high levels of endemic species (species not found elsewhere). They therefore constitute a large, but as yet unevaluated, reservoir of biological diversity. The fauna and flora of such seamounts and other underwater features, particularly those which are not migratory, may be threatened by human activities in those areas. Such threats would emphasize the need for a precautionary approach.

20. It is proposed that the General Assembly should invite the Food and Agriculture Organization of the United Nations (FAO), the International Hydrographic Organization (IHO), the International Maritime Organization (IMO), IOC, the International Seabed Authority, the Secretariat of the Convention on Biological Diversity, the United Nations Secretariat (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs), the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO), with the assistance of regional and subregional fisheries bodies and other organizations in regions and subregions where the fauna and flora of seamounts and certain other underwater features may be under threat, to consider urgently how to integrate and improve on a scientific basis the management of risks to such fauna and flora within the framework of the United Nations Convention on the Law of the Sea and to make suggestions for this purpose on appropriate management action.

21. Ongoing marine scientific research activities and existing assessments also emphasize the unique and fragile nature and the rich biological diversity of the ecosystems around deep-sea hydrothermal vents.

22. It is proposed that the General Assembly should welcome the actions which national governments and regional organizations (in respect of areas within, respectively, their jurisdiction or competence) and the Intergovernmental Oceanographic Commission are taking to protect these ecosystems.

23. It is further proposed that the General Assembly should reiterate the importance of the ongoing elaboration by the International Seabed Authority, pursuant to article 145 of UNCLOS, of recommendations to ensure the effective protection of the marine environment from harmful effects that may arise from activities in the Area.

24. It is proposed in addition that the General Assembly should invite FAO, IHO, IMO, IOC, the International Seabed Authority, the Secretariat of the Convention on Biological Diversity, the United Nations Secretariat (Division for Ocean Affairs and Law of the Sea, Office of Legal Affairs; and the Division for Sustainable Development, Department of Economic and Social Affairs), UNEP and WMO to consider, with any other United Nations agencies or regional organizations that may be involved, what action, consistent with UNCLOS, should be suggested to address priority problems in the marine environment, in particular any highlighted by future global marine assessments.

25. In order to complement such global action at the regional level, it is further proposed that the General Assembly should invite regional and subregional organizations, where appropriate, concerned with the marine environment, navigational safety, fisheries management and marine science to consider how to establish specific regional targets for managing marine and coastal ecosystems in an integrated manner. The range of regional action that could be considered could include, taking into account the particular situation of each region, arrangements such as networks of marine protected areas already established in some regions, the protection of fragile coastal ecosystems, such as coral reefs, support for traditional marine management systems and methods, and, where appropriate, participation in the International Coral Reef Initiative.

International regulation and programmes

Issue H
Bringing into force agreed international agreements at the global and regional levels to prevent, reduce and control pollution

26. Much has already been achieved by States to fulfil the requirements of the United Nations Convention on the Law of the Sea in establishing at the global and regional levels rules, standards and/or recommended practices and/or procedures for the prevention, reduction and control of pollution from

land-based sources, from seabed activities both within the Area and within national jurisdictions, from dumping and from vessels and airborne pollution. Nevertheless, a number of important instruments have not yet entered into force.

27. It is proposed that the General Assembly should call for action by States to bring into force:

(a) Annexes IV (sewage) and VI (air pollution) to the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78);

(b) The 1996 Protocol to the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972;

(c) The International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996;

(d) The Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances, 2000;

(e) The International Convention on the Control of Hazardous Anti-Fouling Systems on Ships, 2001;

(f) The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;

(g) The Stockholm Convention on Persistent Organic Pollutants, 2001,

and to consent to the amendments, adopted in 2000, to the 1992 Protocol to the International Convention on Civil Liability for Oil Pollution Damage, 1969, and to the 1992 Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage.

28. It will also be appropriate for all interested States to become parties to various existing regional agreements for the prevention, reduction and control of marine pollution. It is furthermore proposed that the General Assembly should call upon interested States that have not done so to become parties to those agreements.

Issue I
Enhancing regional action to prevent, reduce and control pollution

29. Action at the regional level is particularly important for the prevention, reduction and control of pollution from land-based sources. All States in the region concerned should be encouraged to cooperate and to commit resources to such work. Such commitments also need to be endorsed at a high political level.

30. It is proposed that the General Assembly should invite regional seas conventions and action plans to develop regionally shared goals and timetables in pursuance of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA), as reviewed in Montreal in November 2001. In this respect the General Assembly should welcome the 2002 Antigua Convention, which is the first regional agreement to integrate the implementation of the GPA within its framework.

31. In view of the significance of municipal waste water as a component of land-based pollution, it is proposed that the General Assembly should also invite regional seas conventions and action plans:

(a) To assist their member States, where necessary, in developing the components addressing municipal waste water of their national action plans under the GPA;

(b) To provide a forum for discussion and agreements on how to mobilize public and private resources, both domestic and external, for investment in this field; in this context, approaches based on support through "payment by results" may be of particular value.

32. In order to pursue the 1999 recommendation of the Commission on Sustainable Development that "the primary focus of action on the environmental aspects of offshore oil and gas operations continue to be at the national, subregional and regional levels",[1] it is proposed that the General Assembly should recommend that regional seas conventions and action plans in regions where offshore oil and gas industries are developing or are in prospect, and where programmes and measures relating to offshore

[1] *Official Records of the Economic and Social Council, 1999, Supplement No. 9* (E/1999/29), chap. I.C, decision 7/1, para. 36 (a).

installations do not exist, should develop programmes and/or measures to prevent, reduce and control pollution from offshore installations. It is further proposed that the General Assembly should invite regional seas conventions and action plans that have developed such programmes and measures to make their information and experience available for this process.

Issue J
Developing new international agreements and guidance at the global level to prevent, reduce and control marine pollution

33. Action to prevent, reduce and control marine pollution from vessels is most appropriately achieved at the global level.

34. It is proposed that the General Assembly should welcome the progress on the negotiation of an international convention for the control and management of ships' ballast water and sediments and urge the International Maritime Organization to carry these negotiations through to completion according to the intended timetable.

35. It is proposed in addition that the General Assembly should also invite the International Maritime Organization to consider further how to facilitate the phasing out of single-hulled vessels carrying oil and hazardous substances in bulk.

36. As well as developing regional regulation of offshore oil and gas installations, it is also important to ensure that adequate national and regional plans are developed for responding to emergencies threatening marine pollution arising from accidents on such offshore installations.

37. In order to provide assistance in the development of such national and regional plans, it is proposed that the General Assembly should invite IMO, UNEP and WMO to undertake an initiative, involving the relevant regional organizations as well as the oil and gas industry, to develop guidance on the best environmental practices to prevent and control pollution from accidents on offshore installations and to mitigate their effects.

Issue K
Integration of policies on fisheries management and the conservation of biological diversity as an aspect of integrated ocean management

38. As the General Assembly has emphasized, the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach.

39. In order to give effect to this approach in relation to fisheries, it is proposed that the General Assembly should invite each of the relevant regional fisheries bodies, including regional fisheries management organizations and regional fisheries arrangements, to review the implications for their work of an ecosystem approach to the management of the oceans, and to invite FAO to facilitate such reviews for the relevant regional fisheries organizations that they support.

40. It is furthermore proposed that the General Assembly should also invite each of the relevant regional fisheries bodies which have responsibilities for the management of fisheries on the high seas under article 118 of UNCLOS and/or, where applicable, the Agreement for the Implementation of the Provisions of UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995 Fish Stocks Agreement) to consider how to improve the regulation of all aspects of fisheries management in their areas, taking into account the ecosystem approach, and how to facilitate the implementation of their obligations by member States with respect to management within their national jurisdictions under the Convention on Biological Diversity and commitments under the Jakarta Mandate, and to invite FAO to facilitate such consideration in the relevant regional fisheries organizations that they support.

41. It is proposed in addition that the General Assembly should call upon all those States fishing on the high seas in regions where no regional fisheries organizations or arrangements have responsibility for managing such fisheries, to develop agreements or arrangements for the effective implementation of Part VII of UNCLOS and, where applicable, the 1995 Fish Stocks Agreement, and for that purpose to invite FAO and other relevant organizations, where necessary, to facilitate such negotiations.

Implementation

Issue L
Improving implementation

42. International agreements and programmes of action alone will not improve the status of the marine environment. It is essential that they are implemented and enforced to achieve the required goals. There is, however, an implementation gap: there needs to be more commitment to this less glamorous task. There also needs to be greater transparency with regard to the level of implementation and enforcement which is being achieved.

43. It is proposed that the General Assembly should emphasize very strongly the essential need to improve the implementation of both the binding and the non-binding instruments and, for all international organizations, to consider how they can assist such implementation. Such assistance could take as a model the work of IMO in assisting flag States in meeting their obligations under UNCLOS, and should include:

(a) Preparing and publishing periodic evaluations of progress;

(b) Where appropriate, providing training to personnel from developing countries in enforcement techniques;

(c) Where appropriate, providing for technical cooperation and financial assistance.

44. It is also proposed that the General Assembly should invite IMO, in respect of its conventions and protocols, and all regional organizations that support international agreements in their regions, to develop appropriate systems to evaluate the level of compliance with the requirements of those conventions, protocols and agreements.

45. It is further proposed that the General Assembly should also invite the Secretary-General and those regional organizations able to do so to explore the possibilities of collecting data on the degree of compliance and enforcement being achieved under such global and regional agreements, collected under cooperative arrangements with States and/or regional organizations.

46. Measures to prevent, reduce and control pollution cannot always prevent pollution from accidents. Implementation of cooperation agreements for the prevention of pollution from ships in the case of emergencies is encountering difficulties due to the lack of contingency plans and appropriate equipment and facilities in various States.

47. It is therefore proposed that the General Assembly should invite IMO, with the cooperation of the other relevant United Nations agencies and international financial institutions and donors, to review the programmes for supporting regional cooperative capabilities for planning responses to emergencies and to train staff to handle such emergencies, to undertake initiatives to develop such capabilities in regions where regional cooperative arrangements do not exist, and to assist developing countries in developing their national capabilities in this field.

Issue M
Ensuring cooperation and coordination between international organizations

48. As UNCLOS affirms, "the problems of ocean space are closely interrelated and need to be considered as a whole". Since these problems range across many fields, it is inevitable that many international institutions are involved in them. Particularly at the global level, cooperation and coordination are needed as a priority if effective interdisciplinary and intersectoral action is to be achieved. As more and more emphasis is placed upon implementation, the need for effective executive cooperation and coordination becomes ever stronger. This coordinating role had been undertaken since 1993 by the Subcommittee on Oceans and Coastal Areas (SOCA) of the Administrative Committee on Coordination (ACC), but that body was dissolved with effect from 1 January 2002. It is therefore essential to establish a new coordinating mechanism for issues relating to oceans and seas, consistent with the new arrangements being developed in the United Nations system.

49. It is proposed that the General Assembly should invite the Secretary-General, as chairman of the United Nations System's Chief Executives Board for Coordination, to consider establishing a new coordinating mechanism for issues relating to oceans and seas, taking into account the decisions of the World Summit on Sustainable Development in this regard, and should recommend that this new mechanism should be transparent, effective and responsive and could be based upon the following approaches:

(a) The new mechanism should include, as a core, all the United Nations departments, funds, programmes and agencies and international financial institutions that are regularly involved in issues relating to oceans and seas; other members of the United Nations system should be able to participate when that is desirable; the new mechanism would be responding to a continuing need and should have continuity, regularity and accountability;

(b) The new mechanism should be established in a way that sets up a clear mandate and demonstrates the commitment to cooperation and coordination of the core participating institutions at the highest level;

(c) The new mechanism should be able to work at two levels:

(i) Through regular reviews of issues relating to oceans and seas which involve several core participating institutions, and of the mandates and work plans of the core participating institutions relating to them, in order to eliminate gaps, inconsistencies and unnecessary overlaps; such reviews would also be aimed at identifying newly emerging problems and devising ways to tackle them; such reviews would need adequate support; the cost of such support should be offset by the savings that would result from improved cooperation and coordination;

(ii) Through the establishment of a specific task force, as needed, to carry out task-oriented activities; such task force should report to the new coordinating mechanism; as and when the planning and budgetary cycles of United Nations agencies are made more compatible, such task force might be charged with managing joint actions;

(d) As part of the process of improving coordination, as recommended by the General Assembly in paragraph 49 of its resolution 56/12, to ensure cooperation and coordination on issues relating to oceans and seas, each member of the United Nations system involved with such issues should nominate a fully interactive focal point for those issues; the details of those focal points should be readily available both inside and outside the United Nations system;

(e) The mechanism should establish a means of liaison with regional organizations, including those dealing with development finance, fisheries management, marine science, navigation and the protection of the marine environment;

(f) The mechanism should be transparent in its work, inter alia, by making readily available the issues that it is considering and the results of that consideration.

50. It is also proposed that the General Assembly should recommend that every State and, as appropriate, every regional economic cooperation organization should identify a focal point for coordination and cooperation on issues relating to oceans and seas, and should ensure that the United Nations Secretariat has those details so that they can be made available in the same way for focal points within the United Nations system.

Part B
Co-Chairpersons' summary of discussions

Agenda item 1
Opening of the meeting

1. The discussions at the first and the second plenary sessions of the third meeting of the United Nations Open-ended Informal Consultative Process established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs were based on General Assembly resolutions 54/33, 56/12 and 56/13, on the material for the annual report of the Secretary-General on oceans and the law of the sea, as well as on other documents before the meeting, including written submissions by States and international organizations.

2. The overall legal framework for the discussions was provided by the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS) and its two implementing Agreements,[2] while chapter 17 of Agenda 21 provided the programme of action for the sustainable development of oceans and seas, which was re-emphasized in decision 7/1 adopted by the Commission on Sustainable Development at its seventh session, in 1999.

3. The meeting was opened by Alan Simcock (United Kingdom of Great Britain and Northern Ireland), Co-Chairperson, who called for a minute of silence in memory of the late Elisabeth Mann Borgese, who had devoted her life to enriching humankind's relationship with the oceans and actively participated in the work of the Consultative Process at its two first meetings.

4. The discussions were opened, on behalf of the Secretary-General of the United Nations, by Hans Corell, Under-Secretary-General for Legal Affairs, The Legal Counsel, and Joanne DiSano, Director of the Division for Sustainable Development, who represented the Department of Economic and Social Affairs in the absence of Nitin Desai, Under-Secretary-General for Economic and Social Affairs.

5. In his introductory statement, Mr. Corell noted the significance of the year 2002 for ocean affairs, since the year marks the twentieth anniversary of the opening for signature of UNCLOS, and also the tenth anniversary of the adoption of Agenda 21, the United Nations programme of action from the Earth Summit, chapter 17 of which put forward a programme of action for the sustainable development of the world's oceans, seas and coasts. He noted that, despite major accomplishments, the potentials of the oceans and their resources remained unrealized for a large part of the community of nations and that, despite the formulation of a multitude of instruments and measures for governance, good governance in the case of the world's oceans and seas was still far from a reality, nationally, regionally or globally. In that connection, he emphasized that the suggested measures to address the limitations identified in the past were in most cases those already embedded in UNCLOS and Agenda 21.

6. Mr. Corell continued his statement by highlighting the importance of international cooperation and stressing the fact that "international cooperation", including regional cooperation, was a clear obligation both under the treaty law of UNCLOS and under the soft law of Agenda 21. Recognizing that the accomplishments in international cooperation to date had been quite commendable indeed, he suggested that the way forward was to strengthen the existing measures of international cooperation, build upon them and add to them to address the identified gaps.

7. On the issue of inter-agency coordination, Mr. Corell noted that a search for new ideas, approaches or mechanisms with regard to such coordination had become extremely essential in view of the fact that the Subcommittee on Oceans and Coastal Areas (SOCA) had ceased to exist as of December 2001, pursuant to a decision of the United Nations System Chief Executives Board for Coordination (CEB), the successor to the Administrative Committee on Coordination (ACC). The Board had decided to move away from the concept of permanent subsidiary bodies with fixed periodicity of meetings and rigid reporting requirements and, instead, to rely increasingly on ad hoc, time-bound and task-oriented coordination arrangements. Mr. Corell pointed out that the efficacy of the latter type of

[2] Agreement relating to the implementation of Part XI of the Convention and Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

arrangements needed to be studied in the case of oceans in view of the interrelated nature of its problems and the need to consider them as a whole.

8. He suggested that inter-agency coordination arrangements would be facilitated if each agency designated a focal point for oceans and the law of the sea. The involvement of the liaison offices of the agencies in New York in enhancing coordination in ocean matters could be explored. He also suggested that CEB could initiate an exercise that would look into the mandates and the work plans of the departments, funds, programmes and agencies of the United Nations system in the field of oceans and the law of the sea with a view to eliminating areas of duplication, setting out work in important areas that was not currently being performed and terminating outputs that no longer served their intended purpose.

9. Finally, in the context of coordination and cooperation, he stressed the importance of coordination of ocean affairs at the national level.

10. Ms. DiSano referred in her statement, made on behalf of Mr. Nitin Desai, Under-Secretary-General for Economic and Social Affairs, to the forthcoming World Summit on Sustainable Development to be held in Johannesburg, South Africa. The summit would review progress achieved in the implementation of the Programme of Action from the United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro 10 years ago.

11. She noted that during the third session of the Preparatory Committee for the Summit held recently, there was considerable interest among participants in the issues related to the oceans. Significant work had been undertaken to give oceans, coasts and islands a higher political profile in the Summit process and at the Summit itself, with discussions on issues related to capacity-building, the sustainable use and conservation of marine living resources, marine pollution, the protection and management of coastal zones and marine ecosystems, ocean science and the need for better coordination and cooperation among Governments and international and regional organizations. She noted that much of the momentum for a focus on oceans in the Summit process might be due to the excellent inputs provided by various preparatory events sponsored by Governments and United Nations agencies, in particular the Global Conference on Oceans and Coasts at Rio+10, held at UNESCO headquarters in Paris in December 2001.

12. She also recalled other important recent meetings that had provided inputs to the Preparatory Committee for the Summit, such as the First Intergovernmental Review Meeting on Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, organized by UNEP and held in Montreal in November 2001, and the Reykjavik Conference on Responsible Fisheries in the Marine Ecosystem, co-sponsored by Iceland, Norway and FAO in October 2001. In addition, UNEP annual meetings of regional seas conventions and action plans, and the ongoing work of the respective United Nations organizations related to oceans have contributed to Summit preparations. Ms. DiSano added that the third meeting of the Consultative Process, coming between the two last and critical sessions of the Preparatory Committee for the World Summit on Sustainable Development, provided the opportunity for a very useful input and guidance to the Summit on very important and cross-cutting issues.

13. On the subject of inter-agency coordination and collaboration within the United Nations system, Ms. DiSano stated that the Department for Economic and Social Affairs and the Commission on Sustainable Development placed great importance on the mechanisms established through SOCA, which had been set up to coordinate inter-agency activities related to oceans and coasts and to serve as task manager for chapter 17 of Agenda 21. However, she noted that the ACC subsidiary bodies had been abolished and the members of SOCA and the other inter-agency committees had been urged to consider how inter-agency cooperation could be handled through ad hoc, time-bound, task-oriented arrangements and other means of information-sharing.[3]

14. Mr. Simcock, Co-Chairperson of the meeting, highlighted that the discussions of the third meeting of the Consultative Process would take place against the background of the preparatory work for the World Summit on Sustainable Development and that there

[3] For the complete text of the statements (in English) made by the Under-Secretary-General for Legal Affairs, the Legal Counsel, and the Director of the Division for Sustainable Development, representing the Department of Economic and Social Affairs, see the web site of the Division for Ocean Affairs and the Law of the Sea: www.un.org/Depts/los.

was a parallelism between the two processes, one of which would culminate with the General Assembly debate and resolution and the other would lead to the Summit. He also noted that in view of recent developments, the discussion on inter-agency cooperation and coordination would be a particularly difficult task.

15. Ambassador Tuiloma Neroni Slade (Samoa), Co-Chairperson of the meeting, underscored that a number of developing States lacked the capacity for the implementation of the Convention. He also expressed the hope that the discussion on cooperation and coordination would clearly reveal the direction for further action.

Agenda item 2
Approval of the format of the meeting and adoption of the agenda

16. Mr. Simcock, Co-Chairperson of the meeting, presented the proposals of the Co-Chairpersons for the format and annotated agenda of the third meeting (A/AC.259/L.3). In the light of the results of the informal consultations preceding the meeting,[4] he proposed that the meeting should adopt its format and annotated agenda. The meeting then adopted by consensus the format and annotated agenda (A/AC.259/5).

Agenda item 3
Exchange of views on areas of concern and actions needed

The Consultative Process

17. Many delegations have emphasized that it was imperative that the Process should take place within the framework established by UNCLOS and they stressed the importance of full implementation of UNCLOS and the need for the preservation of its integrity.

18. In that connection, one delegation reiterated its position and its approach to the informal Consultative Process as a whole, namely that the international legal instruments, including conventions, were binding upon their parties only, and they did not affect the rights and obligations of non-parties.

19. A number of delegations stressed the importance of the efficient use of time, the avoidance of generalities and repetition of previous statements. They called for a focused debate on the subjects and the formulation of concrete recommendations.

20. Some delegations noted the absence of an item devoted to the review of the Consultative Process, in view of the provision in General Assembly resolution 54/33 that the Assembly had decided "to review the effectiveness and utility of the consultative process at its fifty-seventh session". In their opinion, comments regarding the future of the Process might be of considerable help to the General Assembly at its fifty-seventh session, when it would perform the review and make a decision about the future of the Process.

21. Despite the absence of such an item, many statements contained elements of assessment of the Consultative Process and an overwhelming majority of delegations noted its usefulness. They stated, inter alia, that the Process had a reinvigorating effect on the General Assembly's debates on oceans and the law of the sea, which as a result had become more focused and relevant. In their view, the Process had achieved its goal: to facilitate an in-depth annual review by the General Assembly of developments in ocean affairs in a constructive and effective manner. Delegations also added that in addition to the widened and deepened debate in the General Assembly on oceans and the law of the sea, the enriched resolutions of the Assembly on the item were testimony to the value of the work of the Process.

22. Some delegations noted that the Process was the only forum where the multiple aspects of ocean issues could be examined and discussed in an integrated manner and that it had provided substantial input for a better understanding of the oceans, highlighting issues for common action.

23. At the same time, it was noted that there was room for improvement and enhancement, both in the substantive and procedural aspects, for the Process to yield better results. Among specific suggestions, it was mentioned that the various regional cooperation mechanisms and agreements in the field of oceans and the conservation of marine resources must provide input to the substantive discussions of the Process and participate in the implementation of its results. It was

[4] One round of informal consultations was held on 15 February 2002.

also mentioned that it was indispensable to promote the participation of the landlocked States in the Process, taking into account their special circumstances and needs. In addition, it was proposed that the Consultative Process should review the progress made on issues discussed at previous meetings, as a regular agenda item.

24. The European Union (EU) made suggestions that the Process should not become institutionalized or bureaucratic. It should maintain its informality and flexibility and continue to search for the best ways and means to address, in an integrated manner, the legal, political, economic, social and environmental aspects of ocean affairs. The Consultative Process should focus on identifying areas where coordination and cooperation within the United Nations system should be enhanced and defining how concrete improvements could be achieved, with a view to proposing particular issues for consideration by the General Assembly. The Process should not be of a permanent character. The General Assembly could renew it for a fixed period and, after reviewing its performance at the end of that time, decide then on its continuation, with the same or modified terms of reference. The synergy between the Secretary-General's report, the deliberations in the Process and the debates of the General Assembly should be maintained. For that purpose, feedback was required. The Secretary-General should inform the Process about the follow-up to its recommendations, in particular those reflected in the resolutions of the General Assembly.

25. One delegation stated that the Process itself had no mandate to undertake its own review and that it was important that the outcome of the review by the General Assembly should not be prejudged. However, another delegation noted that while it was not possible for the Consultative Process to review itself, the third meeting could make appropriate recommendations to the General Assembly as to its effectiveness and efficiency.

The Consultative Process and the World Summit on Sustainable Development

26. A number of delegations addressed the relationship and the need for coordination between the Consultative Process and the World Summit on Sustainable Development, to be held in Johannesburg. They noted that the two areas of focus of the third meeting of the Process — protection and preservation of the marine environment; and capacity-building, regional cooperation and coordination, and integrated ocean management — were relevant to the work of the Summit and its preparatory meetings and that there had already been opportunities to present initiatives to highlight the intended ocean-related activities at the third session of the Preparatory Committee for the Summit. Those delegations supported the idea that efforts ought to be made at the third meeting of the Process with a view to contributing to the Summit deliberations, in particular by making the conclusions available to participating delegations, and that the Summit should foster capacity-building, and cooperation and coordination, in particular at the regional level, as means of attaining the comprehensive management of the oceans.

Implementation of UNCLOS, the related Agreements and relevant international instruments

27. Delegations observed that the third meeting of the Process was taking place in the year of the twentieth anniversary of the opening for signature of UNCLOS and re-emphasized that the various activities carried out in the oceans and seas should be in conformity with the legal regime established by the Convention, as well as with the objectives and programmes incorporated in chapter 17 of Agenda 21, and that the integrity of the Convention should be maintained.

28. In that context, the representative of the United States of America, which is not a party to the Convention, stated that her Government accepted the Convention's provisions on traditional uses of the oceans as reflecting existing customary international law and practice and that the current Administration supported United States accession to the instrument.

Report of the Secretary-General

29. Delegations expressed their appreciation to the Secretary-General and to the Division for Ocean Affairs and the Law of the Sea for the excellent and comprehensive report on oceans and the law of the sea, as well as for the efforts deployed to make available the unofficial English version of the report, in spite of the complications owing to the advancement of the dates of the third meeting of the Consultative Process. They noted the extensive nature of the report and the detailed account of the latest developments in ocean affairs, as well as the useful information contained in the annexes. They expressed particular interest in the report of the South Pacific Applied Geoscience

Commission (SOPAC) on "Ocean issues in the Pacific region in 2001: initiatives and priorities" and commended its inclusion in the report.

30. On the other hand, a number of delegations noted with regret the fact that the report of the Secretary-General was not available in all official languages and that it had not been available in a definitive format and printed form in due time. They underscored the unacceptability of such a situation since it had created grave difficulties for the work of non-English-speaking delegations and put them at a serious disadvantage. They requested that such a situation should not occur in the future.

31. The representative of the European Union made a number of additional specific comments and suggestions with respect to the report, requesting, inter alia, the reproduction of annexes included in previous reports concerning the status of UNCLOS and its implementing Agreements, national claims to maritime areas and the description of treaties adopted under the auspices of UNEP, as well as the inclusion of additional information containing the description of maritime treaties adopted under the auspices of other international organizations, such as FAO or IMO.

32. Commenting on the synergies between the report, the deliberations in the Consultative Process and the debate in the General Assembly, which concluded with the adoption of the "omnibus" resolution on oceans and the law of the sea, and with the purpose of avoiding repetition in the annual resolution, the European Union proposed that the accomplishments in the field of oceans and the law of the sea should be consolidated in a framework resolution and, so that only the latest developments would be introduced in the yearly resolution.

33. One representative commented on certain specific issues in the report. He stated, with reference to the subsection dealing with the access to and from the sea by landlocked developing countries and freedom of transit, that his Government was opposed to an approach that unconditionally favoured the access of landlocked countries to seas through the shortest possible route, since such an approach might run the risk of disregarding the outstanding problems prevailing in the region or, in some circumstances, might not be feasible due to geographical or socio-economic factors. Concerning the subsection on underwater cultural heritage, he indicated that his Government considered such heritage as a natural resource and therefore had voted against the adoption of the UNESCO Convention on the Protection of the Underwater Cultural Heritage in November 2001.

34. The representative of the Intergovernmental Oceanographic Commission of UNESCO referred to the IOC contribution to the report of the Secretary-General on oceans and the law of the sea and pointed out that it usefully reflected the significant work on and resources devoted to ocean issues by the United Nations system as a whole. Proposing an improved approach, he noted that the report was an excellent compilation and, at the same time, a post facto exercise, after each agency and programme had forwarded its own report. Thus, it lacked the element of an integrated approach, which would highlight the interactive effects of the different uses of the ocean and coasts under the stewardship of the different agencies and programmes and could not address cross-sectoral issues, such as between transport and fisheries, between fisheries and habitat protection, and between land-based pollutants, fisheries and the marine environment. He suggested that there was a need to know and analyse the complex matrix of interactions between the different uses and recalled the objectives of the Consultative Process, one of which was to identify ways to integrate the different sectoral aspects.

Areas of focus

35. Delegations expressed their general satisfaction with the two areas of focus for the third meeting of the Consultative Process, namely: (a) the protection and preservation of the marine environment, and (b) capacity-building, regional cooperation and coordination, and integrated ocean management. A number of speakers noted the overlapping of these areas of focus, which was due, among other things, to the cross-sectoral nature of the issues of capacity-building and integrated oceans management, in particular.

36. The areas of focus were dealt with in depth in Discussion Panels A and B, respectively. For the summary of the Discussion Panels (in English), see the web site of the Division for Ocean Affairs and the Law of the Sea: www.un.org/Depts/los.

(a) Protection and preservation of the marine environment

37. As regards the protection of the marine environment, it was noted that the international

community had made considerable progress on marine environmental protection and other oceans issues since UNCED in Rio de Janeiro in 1992. Among significant developments, mention was made of the entry into force of UNCLOS in 1994, providing a framework for negotiation and implementation of agreements affecting the marine environment, and the adoption of a number of other instruments, such as the 1995 Global Programme of Action on the Protection of the Marine Environment from Land-based Activities, the International Coral Reef Initiative, and Protocols to the Cartagena Convention. The Arctic Council and the South Pacific Regional Environmental Programme were highlighted as models of regional cooperation to protect human health, prevent or control pollution and ensure sound environmental management of oceans and coastal areas.

38. Delegations pointed out with disappointment that, despite achievements, there was continuing degradation of the marine environment from both shipping activities and land-based sources of pollution, information about which is contained in the report of the Secretary-General. For coastal and island States, the degradation of watersheds and marine ecosystems entailed reduced fisheries and biodiversity, loss of food security, increased risks to public health and missed opportunities for sustainable economic development. Owing to the transboundary nature of marine ecosystems, this vulnerability extended to neighbouring States reliant on the fisheries resources of shared seas, making marine ecosystem degradation a regional concern and its control a regional responsibility.

39. Many delegations called for the effective implementation of Part XII of UNCLOS in order to protect and preserve the marine environment and its living resources against pollution and degradation, and to promote the implementation of the various international agreements designed to prevent the contamination of the marine environment. Importance was attached by many to the implementation of existing international treaties rather than to the need to negotiate and adopt new instruments.

40. It was noted that implementation required (a) strengthening national and regional institutional capacity to use advanced science and technology and other tools in support of cross-sectoral approaches to watershed and marine ecosystem management; (b) facilitating the availability, transparency and harmonization of scientific data within and among Governments and scientific bodies, so that decision-making could more readily be based on scientific information; (c) strengthening regional governance capacity by increasing collaboration among regional seas and fisheries organizations through mechanisms, including joint meetings and programmes; and (d) strengthening legal systems and structures so that international plans of action could be effectively executed at the national and local levels.

41. It was stated that efforts to address the problems of the marine environment and reverse the current trends should be given continued priority, and should be implemented in an integrated, intersectoral and interdisciplinary manner.

42. Several delegations referred to the adoption of UNEP Governing Council decision 21/13, in which the Executive Director of UNEP was requested to explore the feasibility of establishing a regular process for the assessment of the state of the marine environment, with the active involvement of Governments and regional agreements. That decision was based on the growing recognition that there was an urgent need to improve communication between scientists and government policy makers and the public alike, regarding information on the state of the marine environment and its socio-economic aspects.

43. It was suggested that the functions of competent international organizations should be better exercised and that cooperation and coordination among those organizations should be strengthened, e.g., the cooperation between UNEP and IOC in the development of a scientific approach for ensuring both coastal management and protection of marine environment. It was further suggested that the role of several bodies should be reinforced, e.g., the role of UNEP in the implementation of the GPA, and that the role of existing conventions and plans of action on marine environmental protection should be strengthened. Relevant international organizations should be encouraged to develop feasible plans to promote capacity-building in developing countries in the area of marine environmental protection.

44. In addition, reference was made to the need to foster horizontal as well as vertical technical cooperation for the purpose of attaining the conservation and sustainable use of the marine resources. It was noted that it was indispensable to

increase research on the relationship between coastal and marine areas to design preservation and management programmes that would respond to the real needs of populations. It was also noted that it was necessary to increase intergovernmental cooperation to reduce and prevent marine pollution and to respond adequately to accidents that endangered the environment and the living resources of oceans and seas.

45. Emphasis was placed in particular on the importance of effective regional cooperation for the protection and preservation of the marine environment and the importance of concerted endeavours among the States sharing specific marine areas. The unique features and problems of regional ecosystems and the shared nature of their resources were highlighted and the need for regional solutions was underscored. A view was expressed that much could be done to promote an integrated approach to the marine environment at the regional level, through, inter alia, more education and training opportunities on the regional marine environment, preparing management guidelines at the regional level and creating synergy through the cooperation and coordination among various marine environment programmes targeting the same regional seas. A possibility for creating partnerships through "twinning" between various regional programmes was mentioned as well. An example was the partnership which OSPAR was endeavouring to create with the Abidjan Convention for West and Central Africa.

46. Some delegations expressed the view that the key objective in regional cooperation should be the development of a framework for regional management programmes that promoted efficient use of resources and addressed the entire scope of watershed and marine ecosystem management from forests to the sea.

47. In order to ensure a comprehensive approach with regard to the marine environment, it was suggested that the discussions of Panel A should take into account a number of aspects, such as the pollution in oceans and seas and its impact on freshwater resources; impacts of pollution on fragile ecosystems; ballast water and its impact on the marine environment; dumping of wastes; hazardous wastes; radioactive and chemical wastes; marine pollution in coastal areas and its effect on agriculture and freshwater; and crisis management in emergency situations.

48. As regards increasing protection of the marine environment from transboundary movement of radioactive material, a substantial number of States pointed to the need for the elaboration of an international legal regime for the transboundary movement of radioactive material, taking into account the protection of the marine environment and human health. One group of States opposed such a process.

49. Among areas where specific and urgent action was needed, the following were mentioned: improving global and regional oceans governance; greater emphasis on marine scientific research and monitoring; taking further steps to conserve marine biodiversity; and tackling unsustainable fishing practices.

50. At the national level, several examples of an integrated approach to the protection of the marine environment were offered, such as the 1998 Oceans Policy of Australia, reflecting ecological, economic and social objectives, and the soon-to-be-published first Marine Stewardship Report of the United Kingdom, based on an ecosystem-based approach to marine management. The Great Barrier Reef Marine Park of Australia was cited as a practical example of integrated planning and management at the local level.

51. One delegation pointed out that there was an increasing awareness of the need to improve the conservation and management approach in areas beyond national jurisdiction, which did not attract much attention, and underscored the impacts of human activity on the ecological systems of the high seas. Some of the serious problems cited were: overfishing and subsequent extinction of species; benthic trawling and devastation of the diverse ocean floors; illegal, unreported and unregulated (IUU) fishing — the equivalent of ecological piracy; and pollution and the introduction of marine pests.

(b) Capacity-building

52. The topic of capacity-building was considered crucial and of special significance by all delegations. Many pointed out that the promotion of capacity-building had become an important and pressing task in order to enable the developing States to implement UNCLOS and to reap the benefits therefrom. Moreover, it was mentioned that true and tangible solutions lay in capacity-building so that States, especially developing States, might develop the

necessary personnel and technical capabilities to give effect to their rights and responsibilities.

53. The lack of capacity in many areas was noted by a number of delegations. Examples included the lack of capacity in most of the components needed to govern the fisheries sector in the majority of developing countries, as well as the need for better access for developing countries to relevant experience, technical support and financial resources to implement sustainable fisheries management systems, and the lack of adequate hydrographic data in extended sea areas of the world, affecting the accuracy of a large percentage of the available navigational charts.

54. On the other hand, various successful examples for fostering capacity-building were noted. They included a training course in Rio de Janeiro, from 3 to 8 March 2002, focusing on the preparation by interested coastal States of submissions to the Commission on the Limits of the Continental Shelf, which had been developed from the technical expertise and practical experience acquired by Brazil in preparation for its own submission; and the United Nations University Fisheries Training Programme, established in Iceland in 1998, which provided capacity-building in the area of sustainable fisheries management through postgraduate training for professionals from the fisheries sectors of developing countries.

55. During the general discussion, priority areas of capacity-building for developing countries were identified: ocean monitoring, marine environmental protection, integrated ocean management and marine resource development. It was noted that in order to address such priorities, financial assistance, technological support and personnel training were needed. Many delegations, including those representing the Rio Group, called for an increase in transfer of technology and capital to developing countries in order to facilitate better management and preservation of marine environment and fishing resources in the light of the latest progress in science and technology, and to foster the capacity of the developing countries for marine research as well as the development of their human resources. One delegation suggested the development of demonstration projects of capacity-building and called for an active role to be played by developed countries in promoting the transfer of marine technology to developing countries under fair and reasonable terms and conditions.

56. Delegations highlighted the necessity of the efficient management of marine science and technology by developing countries in order to achieve the sustainable development of ocean resources. It was also noted that efficient marine resources management could maximize benefits to resource owners and communities and assist in achieving national goals.

57. Among various possible solutions to the problems of capacity-building, delegations called for improved partnership between international financial institutions, bilateral agencies and other relevant stakeholders, and for the enhancement of existing international efforts and the coordination of approaches among States and relevant international organizations. It was also considered in portant to create a mechanism to ensure that national and regional institutions engaged in marine scientific research in areas under the jurisdiction of a coastal State made available to that State information, reports, data, conclusions and assessments in a comprehensible and compatible format.

58. Making available and accessible the results of integrated marine assessments to policy makers and refocusing the efforts of IOC to facilitate its mission were proposed as a solution that might be recommended to the General Assembly at its fifty-seventh session. The use of the IOC system of regional centres to provide training and access to expertise, i.e., through regional workshops on data and other resources, and the possibility for developing countries to access those resources were also mentioned. Other suggestions included closer cooperation between IOC, UNEP, WHO, FAO and regional bodies carrying out marine and fisheries programmes.

59. In addition, some delegations stressed the importance of good governance — e.g., rooting out corruption, upholding human rights and adhering to the rule of law — for successful sustainable development and noted that that theme was a central focus of the World Summit on Sustainable Development, adding that one of the cornerstones of sustainable development involved the establishment of the domestic institutional, legal and regulatory infrastructure needed to manage natural resources effectively.

International cooperation and coordination

60. During the discussion in the plenary meetings of the Consultative Process, it was noted that relevant

international organizations and regional mechanisms had played an important role in dealing with maritime issues and that inter-agency coordination on ocean issues was of critical importance.

61. Many delegations expressed disappointment with the abolition of the Subcommittee on Oceans and Coastal Areas (SOCA) of the Administrative Committee on Coordination (ACC), especially in the light of the recommendations included in General Assembly resolution 56/12. It was noted that the explanations on the matter included in the Secretary-General's report were not entirely satisfactory. There was general agreement that occasional inter-agency meetings might not suffice and that there should be a better mechanism to ensure coordination among the various agencies and programmes. One delegation proposed that the coordination functions of SOCA could be continued in a workable and practical way, through the strengthening of the Division for Ocean Affairs and the Law of the Sea.

62. A number of delegations called for the enhancement of the functions of the relevant international organizations, for strengthened coordination and cooperation among relevant international organizations and for an increase in assistance by those organizations to developing countries.

63. One delegation proposed that a "coordinating network" should be developed for the consideration of the issues of oceans and the law of the sea within the framework of the General Assembly and suggested that the third meeting of the Process should make a corresponding recommendation to the General Assembly at its fifty-seventh session. The function of the coordinating network would be to continue reviewing the issues related to oceans and the law of the sea and to strengthen cooperation and coordination among existing international organizations.

64. Regarding cooperation among States, many delegations emphasized the importance of regional cooperation as a way to deal more effectively with oceans issues, in particular with the protection of the marine environment and the promotion of the sustainable development of the oceans. Furthermore, it was suggested that benefits could be derived from enhancing the coordination and cooperation between regional seas arrangements or action plans and the global conventions or relevant agreements and from promoting horizontal cooperation among relevant regional seas arrangements or action plans. In this connection, one delegation stated that since the objective of regional cooperation was to enhance confidence among States and to maintain stability in the region, regional cooperation should be carried out with due respect for territorial sovereignty and the maritime rights of coastal States, without incurring maritime disputes among coastal States.

65. In particular, it was noted that a regular and coordinated approach to the assessment of the marine environment was required to promote a closer relationship between marine science and policy-making. In that connection, the question was raised of how the regional marine conventions, such as the OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic, the Baltic Marine Environment Protection Commission (Helsinki Commission/HELCOM), and the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention), could be encouraged to share knowledge, expertise and experience, since such partnerships were a key part of the GPA implementation process. An innovative and constructive way forward was suggested: the promotion of twinning arrangements, e.g., between OSPAR and the Abidjan regional seas Convention for West and Central Africa.

66. Regarding regional cooperation, it was further suggested that States in the different regions should be encouraged to define their own cooperative projects according to specific circumstances in the region and that the best way to approach regional cooperation projects could be to start with areas such as marine information exchange, marine scientific research, education and training.

67. During the debate, delegations cited a number of examples of successful regional cooperation and referred to a wealth of ideas which were being explored.

68. The Asia-Pacific Economic Cooperation (APEC) Marine Resource Conservation Working Group was highlighted as having stimulated a sense of ownership and leadership among its member economies and its regional organizations.

69. One delegation mentioned a plan to develop a broad partnership in the Caribbean region to promote improved coordination and collaboration in integrated watershed, coastal and marine ecosystem management,

bringing together partners from among countries in the region, developed countries outside the region and private sector entities. The ideas being explored in that connection included holding a major conference of Caribbean region stakeholders that would include observers from Africa and the South Pacific; developing a regional web site database listing national, bilateral and multilateral cross-sectoral projects; and organizing workshops for training on Geographic Information Systems (GIS) and other remote-sensing capabilities to facilitate access to geographic information through a programme of Global Information for Sustainable Development. The progress on those plans would be announced at the Johannesburg Summit.

70. Within a regional context, several accomplishments were mentioned from among activities being carried out in the Pacific region, such as the recent adoption of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, which provided a comprehensive regime for the management of the region's highly migratory fish stocks and was based on the model of the 1995 Fish Stocks Agreement. The work on developing and finalizing guiding principles for regional oceans management in one region, e.g., a Pacific Islands Regional Ocean Policy, was also cited. Developed within the context of the Marine Sector Working Group of the Council of Regional Organizations in the Pacific, such a policy might form the framework for future regional ocean-related initiatives.

71. Cooperation in the conservation and management of the fishery resources among States of the Indian Ocean region through the Indian Ocean Tuna Commission and the Western Indian Ocean Tuna Organisation was mentioned, as well as cooperation, through agreements on port State control in implementing and enforcing national and international standards for the reduction of pollution from ships and for enhancing their safety.

72. The representative of IOC described a protocol, that had been quite successful in the past and was still in effect: for the Intersecretariat Committee on Scientific Programmes relating to Oceanography (ICSPRO), signed by the heads of various agencies and programmes of the United Nations system, which had been very successful in coordinating the joint activities in marine scientific research within the common system. ICSPRO had coordinated the execution of the first global assessment of the ocean in response to the recommendation emanating from the Stockholm Conference on the Human Environment in 1972.

73. One delegation proposed, with support from a number of other delegations, that IOC and UNEP should develop intergovernmental global information databases to ensure effective management arrangements for data on the marine environment. In particular, it was proposed that the Global Resource Information Database (GRID) of UNEP might be a suitable candidate to host and develop a centre for research data from the outer continental margin intended to serve the needs of coastal States and developing countries.

74. Managing and sharing information was particularly highlighted in the context of international cooperation and coordination and was referred to as a key to improving collaboration and cooperation. It was noted that, at the international level, IOC was uniquely placed to facilitate the flow of technology and aid the provision of ocean assessments and that the role of IOC in sharing information deserved further consideration.

75. The responsibility of individual Governments to share information on oceans with their citizens was mentioned as well. As an example of a special effort to develop web-based tools to allow for the involvement of all ocean stakeholders, mention was made of the web-based mechanism of Canada for informing the citizens and engaging them in integrated ocean management activities, as Canada moves forward with the implementation of its Ocean Strategy and the National Programme of Action.

Integrated ocean management

76. As regards integrated ocean management, it was emphasized, in addition to the above-mentioned examples of national ocean policies and programmes, that integrated ocean management was of common concern to all countries since chapter 17 of Agenda 21 provided that coastal States should establish integrated ocean management to ensure the sustainable utilization of marine resources and the rational development of marine industries.

77. In that connection, the Oceans Stewardship Conference in Vancouver, Canada, in June 2001 was cited as having provided an excellent opportunity for participants from around the world to share experiences

and ideas on balanced and integrated approaches to ocean management.

78. The view was expressed that integrated ocean management mainly referred to the management of coastal zones and marine areas under the national jurisdiction of coastal States, with a focus on coastal zone management. In that context, it was suggested that coastal States should be encouraged to establish and strengthen the agencies responsible for integrated ocean management, to develop demonstration programmes of integrated ocean management and to establish a regime for integrated ocean management. Furthermore, relevant United Nations agencies should make every effort in assisting coastal States to formulate and implement integrated ocean management plans. It was also mentioned that transfer of technology to and the training of personnel for the developing countries should be promoted.

Fisheries and IUU fishing

79. In the fisheries area, delegations made reference to the developments over the last decade, including the adoption of the 1993 FAO Compliance Agreement, the 1995 FAO Code of Conduct for Responsible Fisheries and the 1995 Fish Stocks Agreement, the moratorium on large-scale high seas driftnet fishing, which took effect pursuant to a General Assembly resolution,[5] as well as several new regional regimes, such as the 1992 Convention on Anadromous Stocks in the North Pacific, the 1994 Convention on Pollock Resources in the Central Bering Sea, the 2000 Convention on Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, and the 2001 Convention on Fisheries Resources in the South-East Atlantic.

80. However, it was pointed out that despite a decade of progress in establishing instruments and programmes related to oceans, the international community continued to confront urgent and serious challenges and that sustainable fisheries was a further area for priority action, owing to the fact that approximately 75 per cent of the world's fisheries were either fully exploited or overexploited.

81. The need to ensure the implementation of the above-mentioned instruments and programmes was emphasized in order for the international community to be able to exercise the stewardship of the world's oceans and marine resources necessary for sustainable development, the protection of human health, the alleviation of poverty and enhancement of food security. Delegations also underscored the necessity of securing a global consensus on reversing the decline in stocks and taking coordinated steps to address overfishing and the continuing problem of illegal, unreported and unregulated (IUU) fishing.

82. One delegation stated that fisheries were being dealt with primarily at FAO and regional fisheries organizations and that the United Nations should therefore respect those specialized organizations, possessing in-depth and technical knowledge of fisheries, as the primary forums for the consideration of fisheries-related issues.

Piracy and other crimes at sea

83. It was pointed out that maritime safety and security should also be given high priority, and that various types of crimes at sea, such as terrorist attacks, piracy, smuggling of migrants and illegal traffic in narcotic drugs, could become serious threats to the peaceful uses of the oceans. Delegations underscored the importance of the harmonization of legal approaches and procedures, cooperative law-enforcement training and information-sharing among States.

Agenda item 4
Exchange of views on collaboration and coordination on ocean issues

84. Patricio Bernal, Executive Secretary of IOC/UNESCO and former Chairman of the now defunct Subcommittee on Oceans and Coastal Areas (SOCA) of the Administrative Committee on Coordination (ACC), opened the discussion on agenda item 4 and presented an overview of the situation following the abolition of SOCA by the United Nations System Chief Executives Board for Coordination (CEB), the successor to ACC. He further presented ideas for the modalities of future inter-agency coordination and cooperation arrangements on oceans and coastal areas by United Nations programmes and agencies that had participated in the former SOCA.

85. At the outset of his presentation, Mr. Bernal stated that the United Nations system had a primary responsibility with respect to oceans and that its status

[5] General Assembly resolution 46/215 of 20 December 1991.

should remain high on the priority list of Member States. He placed the abolition of SOCA in the context of the reforms under way in the United Nations and the abolition of the former ACC substructure, including its various subcommittees. In that connection, he recalled that the General Assembly in 1994 had called for enforcing inter-agency coordination and cooperation and that SOCA represented the only venue where high-level coordination had occurred. Consequently, United Nations programmes and agencies participating in the former SOCA had agreed to continue their coordination and had met independently, on several occasions, outside the previous formal structure. The various Secretariat bodies and United Nations programmes and agencies also continued to exercise the role of lead agencies: the Department of Economic and Social Affairs was monitoring the implementation of chapter 17 of Agenda 21; FAO was working on the United Nations Atlas of the Oceans; UNEP was responsible for the GPA; IMO was leading the review process of GESAMP; and the Division for Ocean Affairs and the Law of the Sea was responsible for reporting annually on oceans and the law of the sea. In addition, the United Nations system continued to set up task forces in response to specific needs, for example, the task force on illegal migration in the Indian and Pacific oceans set up by the Division for Ocean Affairs and the Law of the Sea, IMO and the Office of the United Nations High Commissioner for Refugees and the task force on scrapping of vessels. Mr. Bernal also recalled the establishment of the Joint WMO/IOC Technical Commission for Oceanography and Marine Meteorology (JCOMM) as the first single technical commission reporting simultaneously to two governing bodies.

86. With regard to new inter-agency coordination arrangements on oceans and coastal areas, Mr. Bernal informed the third meeting of the Consultative Process that many of the United Nations programmes and agencies participating in the coordination of oceans and coastal areas (ILO, FAO, IOC/UNESCO, WMO, IMO, UNIDO, UNDP, UNEP, United Nations (Department of Economic and Social Affairs and Division for Ocean Affairs and the Law of the Sea)) had met informally at United Nations Headquarters on 9 and 11 April 2002 and conducted consultations on the future coordination mechanism they would use as a result of the elimination of the subsidiary machinery of the former ACC.

87. All the programmes and agencies represented, as well as the World Bank representative, who was consulted separately, had expressed their willingness to continue their active participation in the system-wide coordination of ocean activities on a task-oriented basis, using lead-agency arrangements.

88. Addressing future needs, Mr. Bernal stressed two aspects of the work of programmes and agencies and the World Bank: (a) the need to exchange information on the wide range of activities implemented by programmes and agencies and the evolving mandates from their respective governing bodies; and (b) the potential for an effective coordination of the planning-budgeting cycle to move towards the joint design and implementation of activities in the field. He noted that the scope of coordination needs in ocean activities extended across the social, economic and environmental aspects of sustainable development and responded to the principle enunciated in the preamble to UNCLOS: "... the problems of ocean space are closely interrelated and need to be considered as a whole".

89. He further stated that the informal group of the former SOCA members had agreed that it would be useful to have a two-tier approach to coordination. Firstly, an open-ended group of representatives of programmes and agencies at the level of experts should meet regularly, at least once a year, to review ongoing joint activities; and secondly, a series of task-oriented groups should be formed, which would lead and implement specific time-bound initiatives.

90. An obstacle to the implementation of cooperative activities was the lack of a funding mechanism and attendant administrative and financial rules that would enable different United Nations agencies to contribute to and participate in jointly funded activities. The establishment of such a structure would require adjustments in the planning and budgeting cycles of agencies and programmes and would entail aligning mandates with resources across several budgets. He mentioned three areas as potential candidates for future task-oriented activities:

(a) Integrated global assessments of the ocean which would encompass social, economic and environmental factors;

(b) Assisting in efforts to improve regional ocean governance;

(c) Establishing guidelines for the application of the ecosystem approach.

91. He noted that the modalities of this new coordination phase would include an intensive use of electronic communication; the establishment of agreements among heads of agencies or responsible managers; and an open dialogue with actors from outside the United Nations system and transparent communication with all partners. He informed the meeting that it had been agreed that the former SOCA informal group would undertake an initiative to complete an across-the-board identification of the portfolios of ongoing, approved and proposed projects in oceans and coastal areas.

92. In concluding his presentation, Mr. Bernal pointed out the difference between "coordination", which would involve exchange of information and ad hoc partnerships, and "strong coordination", which required the use of managerial tools for the United Nations system to operate in a coordinated manner and entailed the alignment of budget cycles and programme planning. The latter type of coordination was necessary in order to keep the United Nations system relevant.

93. Responding to the question of the relationship between "strong" and "weak" coordination and the establishment of task forces and coordinating planning exercises, Mr. Bernal noted the existence of various lines of authority and the fact that the primary duty of each agency and programme was to respond to its governing body from which it received its mandate. Such conflicts or disparities might create internal governance problems within the United Nations system, which might need to be addressed through an inter-agency agreement similar to ICSPRO.

94. Manuel Dengo, Chief of the Water, Natural Resources and Small Island Developing States Branch of the Department of Economic and Social Affairs and former Chairman of the ACC Subcommittee on Water Resources, shared with the third meeting of the Consultative Process information on the modalities of cooperation between agencies involved in the field of freshwater resources since the abolition of the ACC substructure. Such agencies, on the basis of a recommendation by an external consultant, discussed joint programming to avoid duplication and proceeded with a selection of areas of common interest, where increased cooperation and stronger coordination were needed. One delegation noted with appreciation that the link between freshwater resources and oceans and seas had been highlighted in the context of the Consultative Process.

95. Delegates expressed their appreciation to Mr. Bernal for his presentation and recalled the provisions in the General Assembly resolutions and statements at previous meetings of the Consultative Process calling for more effective coordination and cooperation on global management of the oceans and for an increase in the effectiveness, transparency and responsiveness of SOCA. They underscored that it was imperative for the United Nations ocean-related agencies and international financial institutions to coordinate and harmonize their work so as to achieve maximum impact for good oceans governance. Moreover, delegations pointed out that the United Nations system was ideally placed to provide such coordination. The United Nations system should set an example in that regard by duly coordinating the programmes and activities of the various bodies within the common system dealing with ocean and maritime affairs.

96. Delegations also stated that the High-level Committee on Programmes of CEB, which had recommended moving away from the concept of permanent subsidiary bodies and relying instead solely on "ad hoc" coordination arrangements, had ignored those recommendations, which had been spelled out in resolutions of the General Assembly. A number of delegations expressed their dissatisfaction with those developments and requested the Secretariat to offer explanations.

97. Expressing their disagreement with the arguments leading to the suppression of SOCA and with the way that body had been dissolved, delegations pointed out that in order to achieve effective coordination, a permanent body was needed. Such a body should meet regularly, should have continuity and be endowed with sufficient authority to coordinate autonomous agencies and bodies. In the view of delegations which spoke on the matter, "ad hoc", task-oriented arrangements and occasional meetings were not sufficient to carry out the tasks of an efficient coordinating mechanism and would lead to a lack of coordination, especially in view of the overreaching interrelatedness of ocean issues.

98. There was wide support for the proposal to establish an inter-agency forum which would bring together, on a regular basis, all the agencies and

institutions of the United Nations system involved in ocean affairs. Another alternative mentioned was establishing a standing group that would link the relevant United Nations agencies and international financial institutions involved in ocean affairs, as an ocean principals group with its own secretariat. However, it was noted that that option might present institutional and budgetary difficulties. Yet another alternative would be for the agencies and institutions to form a partnership or partnerships through "memoranda of understanding" among all the entities. The necessary coordinating role of the partnership could be assigned to one of the partners or to the Division for Ocean Affairs and the Law of the Sea. It was noted that such "memoranda of understanding" would clearly set out the responsibilities for functions that would reflect the different types of expertise in the United Nations system. In that connection, several delegates noted that the Intersecretariat Committee on Scientific Programmes Related to Oceanography (ICSPRO), while useful as an example, was not in a position to fulfil the coordinating role, owing to its specialized nature.

99. It was pointed out that any coordinating mechanism established should link the United Nations, international financial institutions as well as other global institutions, such as the International Seabed Authority, the secretariat of the Convention on Biological Diversity and the secretariat of the United Nations Framework Convention on Climate Change, and that its functions should be expanded, as compared to those of SOCA. Among the purposes and guidelines proposed for the coordinating mechanism were the following: (a) contributing to reviewing programmes and activities and identifying grey areas of issues needing to be explored or addressed, with a view to updating and enriching the relationship between UNCLOS and Agenda 21; (b) carrying out a factual review of the mandates, capacities and activities of the relevant bodies of the United Nations and of the relationship between them (a task proposed initially for SOCA at the previous meeting of the Consultative Process); (c) coordinating and harmonizing the agencies' activities related to oceans, eliminating duplication, redundant outputs and overlap in planning and implementation, and expanding cooperation; (d) synchronizing the timing of agency budget cycles and governing body reviews to allow for the undertaking of jointly funded activities; (e) undertaking joint activities through the creation and operation of task forces or ad hoc working groups, as appropriate, on topics such as the Global Marine Assessment; or overseeing particular activities, such as the implementation of the United Nations Atlas of the Oceans or the GPA; (f) ensuring integrated ocean management at the international level; (g) coordinating inputs to the annual report of the Secretary-General on oceans and law of the sea; (h) ensuring that adequate resources are available to oversee the joint work and the meetings of the participants; and (i) operating in a transparent manner, with opportunities for input by governments, NGOs and the private sector. The agenda of the meetings of the participants should be made available before the meetings on a web site and a summary of actions taken should be posted on such a web site following the meetings.

100. It was also noted that the criteria of effectiveness, transparency, accountability and responsiveness should be applied with respect to any new inter-agency coordination and cooperation mechanism, with particular emphasis on the transparency aspect.

101. Several delegations noted that the new inter-agency coordination and collaboration mechanism would need to be incorporated within operational plans and budgets and that there was no need for new resources to be allocated since an overarching emphasis on coordination among agencies should result in savings through, inter alia, eliminating duplication.

102. Other delegations pointed to the need for coordination between programmes and agencies operating at the global level and international organizations and programmes operating at the regional level, in particular with respect to the Global Marine Assessment.

103. The importance of coordination between ministries and agencies at the national level was also strongly emphasized to reflect the intersectoral and interdisciplinary nature of ocean-related problems. Coordinated national positions in various governing organs of international organizations, agencies and programmes would make it easier to achieve coordination at the global level, since those governing organs formulated the mandates of the organizations from which their work programmes emanated.

104. Delegations also noted with appreciation the ideas set out in the statement by Mr. Corell regarding agency focal points and the use of liaison offices for the purposes of coordination and concluded that they

deserved serious consideration. The focal points would need to be fully interactive in both directions, so as to send out information and also become the building blocks for a dynamic coordinating function among agencies.

105. Many delegations expressed their interest in the two-tier approach to coordination, as laid out in the presentation by Mr. Bernal. Some delegations pointed out that the goal of coordination should also be viewed in the context of the Preparatory Committee for the World Summit on Sustainable Development.

106. Summarizing the discussions on this item and in order to identify the elements of an emerging consensus, Mr. Simcock noted that the new mechanism should reflect the principle embodied in UNCLOS that the problems of ocean space were closely interrelated and needed to be considered as a whole. He said that since those problems ranged across many fields, many international institutions were involved and, particularly at the global level, cooperation and coordination were needed for effective multidisciplinary and multisectoral action to be achieved. With increased emphasis on implementation, the need for effective executive cooperation and coordination would become stronger.

107. In the absence of SOCA, the Consultative Process was an important tool enabling a dialogue between States and international programmes and agencies to take place. Such dialogue, as with any new international cooperation mechanism, should involve international financial institutions.

108. As for the approach to be followed, he stated, inter alia, that the new mechanism should include all the United Nations departments, funds, programmes and agencies and international financial institutions involved in issues relating to oceans and seas. The new mechanism should be established in a way as to set up a clear mandate and demonstrate the commitment of the core participating institutions at the highest levels. It should be able to work both through regular reviews of issues relating to oceans and seas and mandates and work plans of the core participating institutions, in order to eliminate gaps, inconsistencies and unnecessary overlaps, and through the establishment of specific task forces to carry out ad hoc, time-limited, task-oriented activities, and the planning and budgetary cycles of United Nations agencies should be made more compatible for that purpose. Furthermore, the mechanism should ensure transparency and should seek appropriate means for an exchange of views with States Members of the United Nations.

Agenda item 5
Identification by the Co-Chairpersons of issues that could benefit from attention in future work of the General Assembly on oceans and law of the sea in the light of the Assembly's review of the effectiveness and utility of the Consultative Process

109. Mr. Simcock, Co-Chairperson, recalled the report of the second meeting (2001) on issues for future consideration (A/56/121, Part C).

110. Delegations commented on the list of issues contained therein. The Co-Chairperson's summary of the conclusions based on those comments is set out in Part C of the present report.

Part C
Issues that could benefit from attention in future work of the General Assembly on oceans and the law of the sea

1. There was agreement that it would not be appropriate to suggest any particular issues to the General Assembly for any future meeting. It was for the General Assembly to determine what issues needed attention in the light of its review of the effectiveness and utility of the Process.

2. Delegations considered that concrete and practical topics, rather than broad issues, would provide a more focused discussion.

3. There was agreement that the following list, being the topics identified for future consideration at the second meeting of the Consultative Process, remained valid as a list of topics meriting attention from the General Assembly:

(a) Marine protected areas;

(b) Review of the national, regional and global implementation of Part XII of the United Nations Convention on the Law of the Sea;

(c) Potential and new uses of the oceans;

(d) Development and transfer of marine technology;

(e) Oceans stewardship/ecosystem-based integrated management of the marine environment;

(f) Food security and mariculture;

(g) Cooperation and coordination between regional fisheries organizations and regional seas programmes of the United Nations Environment Programme;

(h) Impact of the activities in the international seabed area as a source of contamination of the marine environment;

(i) Effect of fishery subsidies on the conservation of marine living resources;

(j) Marine debris;

(k) Convergence of the legal and programmatic dimensions of international cooperation;

(l) Navigation in ecologically sensitive areas;

(m) Protection of coastal areas from the introduction of non-native species;

(n) Possibility of reviewing progress on issues discussed at meetings of the Consultative Process.

4. Further topics suggested for identification were:

(a) The science underlying the identification and management of marine protected areas;

(b) Implementation of existing international instruments;

(c) Competing uses of the continental shelf, including mariculture, the laying of cables and pipelines, and exploitation of non-living marine resources;

(d) Protecting the biological diversity of the seabed;

(e) Protecting vulnerable coastal ecosystems;

(f) Security of navigation, including the production of nautical charts;

(g) Capacity-building for the collection of marine geographic data.

5. One delegation did not support the inclusion of issues relating to marine protected areas and suggested instead the issue of the application of ecosystem-based approaches to the management of oceans, seas and coasts.